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DEC 16 2015

JULIE RICHARDS JOHNSTON, CLERK
US DISTRICT COURT, EDNC
BY ________ DEP CLK

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)

information associated with Facebook account identification number 100002508865146 that is stored at premises controlled by Facebook

Case No. 5:15-mj-2276-JG

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

see Attachment A to Affidavit of Tony Bell

located in the Eastern District of North Carolina, there is now concealed *(identify the person or describe the property to be seized)*:

see Attachment B to Affidavit of Tony Bell

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	*Offense Description*
18 USC 1001	Making materially false statements
18 USC 1015(a)	False statements under oath relating to naturalization

The application is based on these facts:

see attached Affidavit of ~~Paul E. Cox~~ Tony Bell TSB

☑ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: __________) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

[signature]
Applicant's signature

Tony Bell, Special Agent, HSI
Printed name and title

Sworn to before me and signed in my presence.

Date: 16 December 2015

[signature]
Judge's signature

City and state: Raleigh, North Carolina

James E. Gates, United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT

I, Tony Bell, having been duly sworn, hereby depose and say:

1. I am a Special Agent with the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). I have been a Special Agent for over twelve years and have completed the Criminal Investigator's Training Program held at the Federal Law Enforcement Training Center, Glynco, GA. I am currently assigned as a Special Agent to the HSI Resident Agent-in-Charge (RAC) Raleigh Field Office and my duties include investigating violations of Titles 8, 18, 19, 21, and 22 of the United States Code (USC). Because of my personal participation in the investigation and review of reports made by other Special Agents of HSI, as well as other federal, state and local law enforcement officers, I am familiar with the circumstances of this investigation and this application.

2. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook user ID that is stored at premises owned, maintained, controlled, or operated by Facebook Inc. ("Facebook"), a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the user ID.

3. This affidavit does not set forth all information known to me about this investigation but has been prepared for the limited purpose of establishing probable cause for the requested warrant.

Initiation of Investigation

4. On December 1, 2015, HSI Raleigh Agents were contacted by FBI Raleigh Joint Terrorism Task Force (JTTF) Agents regarding a North Carolina State University student, Hemza Menade LEFSIH. FBI Agents had received information from a confidential source that a video of a known supporter of radical Islamic terrorism promoting jihad had been posted on LEFSIH's Facebook page, entitled "Hemza Menade", on November 9, 2015. The video had been removed from the page on November 14, 2015, one day after the November 13, 2015 terrorist attacks in Paris, France. The associated Facebook user identification number for this account is 100002508865146. A photo of LEFSIH appears on the Facebook page as the account owner/user.

5. The video was posted with the message, "Sheikh Karadawi about jihad in Syria." It shows an unidentified male asking Sheikh Karadawi: "This is our teacher our Sheikh Youssef. Are you authorizing us, or did you authorize us, to go commit jihad in Syria?" Sheikh Karadawi replies: "Yes, and I see jihad right now is an obligation to whoever is capable of it. And, anyone who is capable of doing anything that is beneficial for the mujahideen in there, such as military service, that will be beneficial for people that person has to go there. In there now, Iran is fighting us, Hizbollah or Shias are fighting us, and Russia is fighting us. And, all of the international powers are fighting us. We have to do as much as we can."

6. Your Affiant conducted open source record checks on "Sheik Youssef Karadawi" and identified him as Sheik Yusuf Al Qaradawi, aka Youssef Karadawi, (AL QARADAWI). Law enforcement record checks reveal that an Interpol Red Notice (international arrest warrant) was issued for AL QARADAWI on February 21, 2014 by Egypt for Terrorist Threats. AL

QARADAWI is identified as the spiritual leader of the Muslim Brotherhood, elements of which have been identified as supporting terrorism.

7. Your Affiant identified LEFSIH as an Algerian national who had obtained a Diversity Visa (DV1) from Paris, France and entered the United States on November 19, 2010. Your Affiant determined that LEFSIH filed an application to become a naturalized United States citizen on or about September 1, 2015, and had already conducted his naturalization interview on November 30, 2015. Your Affiant obtained LEFSIH's Alien File (A-file) and identified false statements that he provided on his N-400, Application for Naturalization.

Alien File Review

8. On September 1, 2015, LEFSIH filed the Application for Naturalization (Form N-400) with the CIS National Benefits Center located in Lees Summit, Missouri. In the application, LEFSIH listed an address in Raleigh, North Carolina, in the Eastern District of North Carolina.

9. LEFSIH responded "No" to Question 10.C. in Part 11 of the Application for Naturalization (N-400): "Have you **ever** been a member of, or in any way associated (*either directly or indirectly*) with . . . A terrorist organization?" (emphasis in original).

10. LEFSIH responded "No" to Question 23 in Part 11 of the Application for Naturalization (N-400): "Have you **ever** been arrested, cited, or detained by any law enforcement officer (*including any and all immigration officials or the U.S. Armed Forces*) for any reason?" (emphasis in original).

11. LEFSIH responded "No" to Question 24 in Part 11 of the Application for Naturalization (N-400): "Have you **ever** been charged with committing, attempting to commit, or assisting in committing a crime or offense?" (emphasis in original).

12. LEFSIH responded "No" to Question 25 in Part 11 of the Application for Naturalization (N-400): "Have you **ever** been convicted of a crime or offense?" (emphasis in original).

13. LEFSIH signed the application below the following statement: "I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct."

14. LEFSIH dated the application August 19, 2015. He filed the application with the CIS National Benefits Center on September 1, 2015.

15. On November 30, 2015 LEFSIH was interviewed by a CIS Immigration Examiner in Durham, North Carolina regarding his N-400, Application for Naturalization. During the interview, LEFSIH confirmed and repeated his negative responses to Questions 10, 23, 24 and 25 quoted above.

Criminal History

16. A review of LEFSIH's criminal history revealed that, contrary to his negative response on his Application for Naturalization, he has in fact been cited at least eight times for traffic and taxi violations between May 31, 2011 and April 13, 2014, and has been convicted of at least three of these violations.

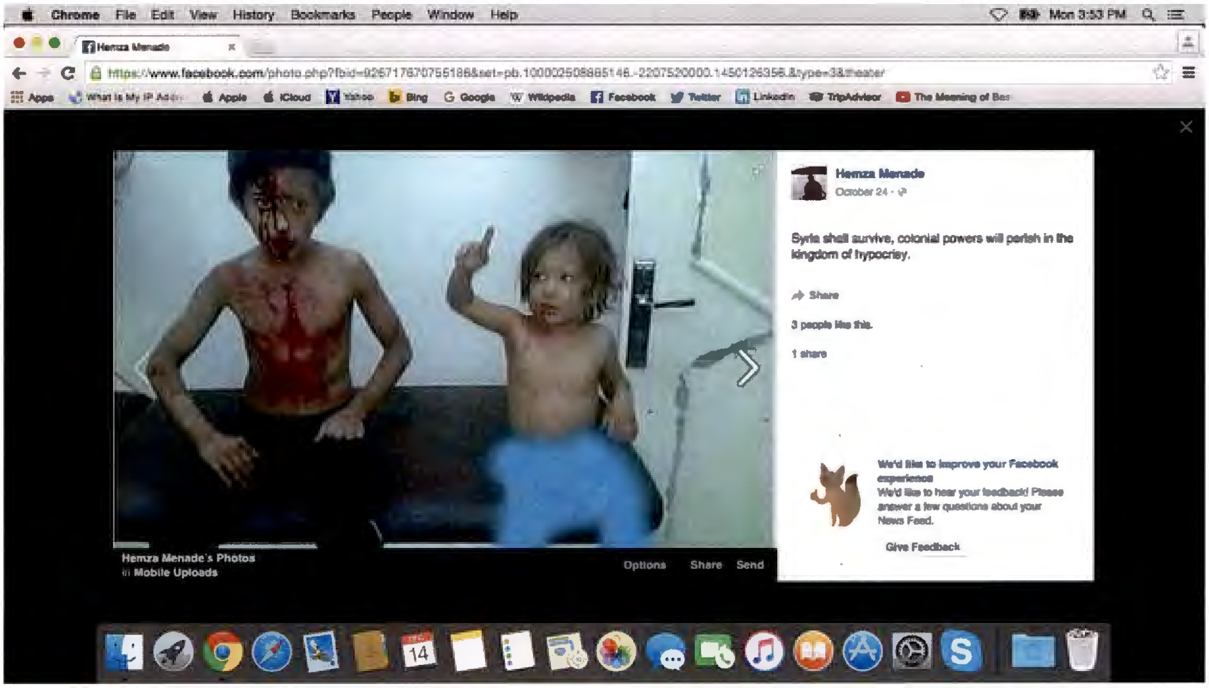
Investigative Interview

17. On December 8, 2015, HSI and FBI Agents conducted an interview with LEFSIH at his residence in Raleigh, NC. During the interview, LEFSIH was shown the video described above that had been posted on his Facebook page on November 9, 2015, with the message "Sheikh Karadawi about jihad in Syria." LEFSIH admitted that he had posted the video on his Facebook page some time in November and that he had removed it after the terrorist attacks in Paris, but he

did not remember exactly when. LEFSIH stated that he had one laptop computer and one cell phone and that he used the laptop to access his Facebook account.

LEFSIH'S Facebook page

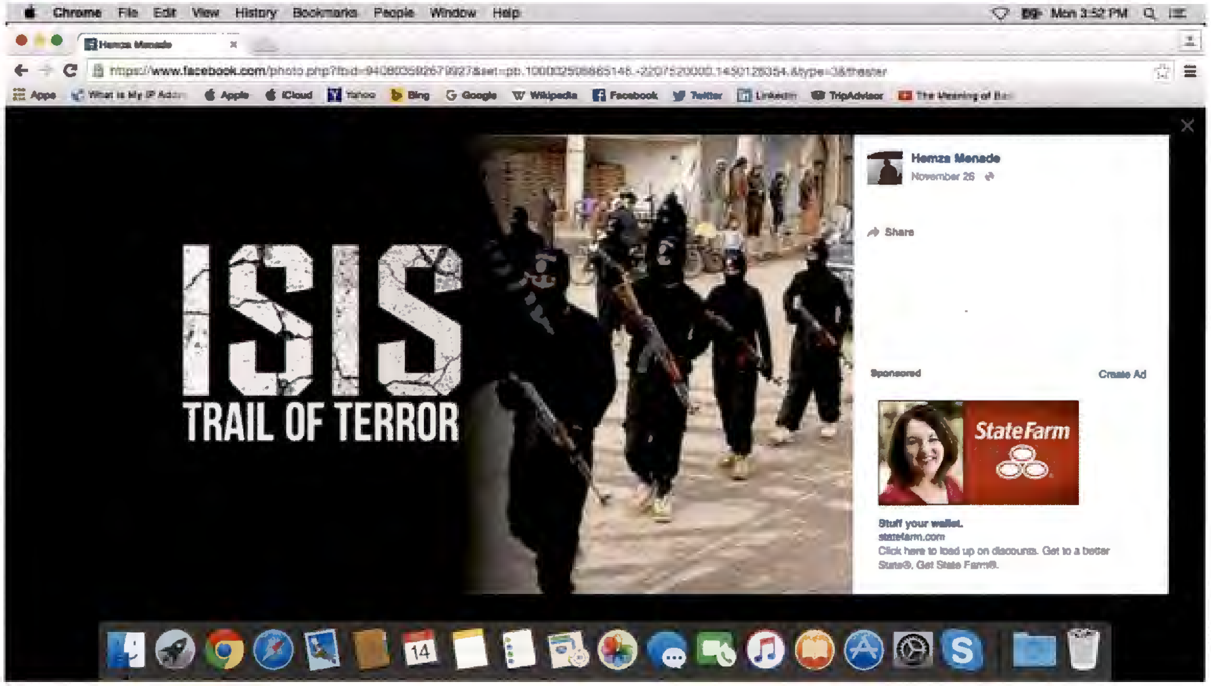
18. A review of LEFSIH's publicly accessible Facebook account on December 15, 2015, revealed a "Mobile Upload" photograph showing two injured children with the posted message: "Syria shall survive, colonial powers will perish in the kingdom of hypocrisy." "Mobile Upload" indicates that the photograph was posted to the Facebook account through a mobile device that connects to the internet, such as a cellular telephone. The date of posting is October 24, 2015. Following is a screen shot of the Facebook page showing this photograph and message:



Chrome File Edit View History Bookmarks People Window Help
Mon 3:53 PM
Hemza Menade
October 24
Syria shall survive, colonial powers will perish in the kingdom of hypocrisy.
Share
3 people like this.
1 share
Hemza Menade's Photos
Mobile Uploads
Options
Share
Send
Give Feedback

19. LEFSIH's Facebook account also contains a photograph of what appears to be masked ISIS soldiers with AK-47 rifles marching down a city street, with the caption: "ISIS Trail of Terror". ISIS is an acronym for the Islamic State of Iraq and Syria (also known as "ISIL"), which

has been designated by the U.S. Department of State as a foreign terrorist organization. This picture was posted on November 26, 2015, four days before LEFSIH's naturalization interview. Following is a screen shot of the Facebook page showing this photograph:


Chrome File Edit View History Bookmarks People Window Help
Mon 3:52 PM
ISIS
TRAIL OF TERROR
Hamza Menade
November 26
Share
Sponsored
Create Ad
State Farm
Stuff your wallet.
statefarm.com
Click here to load up on discounts. Get to a better State®. Get State Farm®.

Arrest of LEFSIH and Seizure of Laptop and iPhone

20. On December 11, 2015, your Affiant obtained an arrest warrant in connection with a criminal complaint (EDNC Case No. 5:15-MJ-2260-JG) charging LEFSIH with making false statements under oath in his naturalization application in violation of Title 18, United States Code, Section 1015(a). The false statements specifically alleged in the complaint are LEFSIH's denials that he had ever been cited by a law enforcement officer or ever been charged or convicted of an offense.

21. LEFSIH was arrested on December 11, 2015, at his residence in Raleigh. A Toshiba laptop computer and an iPhone, both in plain view, were seized at the time of arrest, to preserve

pending application for a search warrant. Both items are currently in the custody and control of the FBI.

Probable Cause

22. There is probable cause to believe that LEFSIH knowingly stated falsely in his naturalization application and interview that he had never been associated, directly or indirectly, with a terrorist organization. Such a false statement would constitute a violation of Title 18, United States Code, Sections 1001(a) (material false statement in a matter within the jurisdiction of the executive branch) and 1015(a) (false statement under oath in a matter relating to naturalization). There is also probable cause to believe that the requested search of LEFSIH's Facebook account will reveal evidence of these crimes.

23. At the time of his naturalization interview on November 30, 2015, LEFSIH had associated himself with ISIS, at least indirectly, just four days earlier by posting – and thereby disseminating – ISIS propaganda, specifically, a photograph glorifying ISIS and its cause with the caption "ISIS: Trail of Terror". LEFSIH's association with and sympathy for ISIS can additionally be inferred from his posting of the video promoting jihad in Syria, and the photograph of wounded children with the message "colonial powers will perish in the kingdom of hypocrisy," a clear reference to the United States, which has been conducting air strikes against ISIS targets in Syria and Iraq.

Background Regarding Facebook

24. Facebook owns and operates a free-access social networking website of the same name that can be accessed at http://www.facebook.com. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news,

photographs, videos, and other information with other Facebook users, and sometimes with the general public.

25. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

26. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

27. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create "lists" of Facebook friends to facilitate the application of these

privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

28. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post "status" updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming "events," such as social occasions, by listing the event's time, location, host, and guest list. In addition, Facebook users can "check in" to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user's profile page also includes a "Wall," which is a space where the user and his or her "Friends" can post messages, attachments, and links that will typically be visible to anyone who can view the user's profile.

29. Facebook allows users to upload photos and videos, which may include any metadata such as location that the user transmitted when s/he uploaded the photo or video. It also provides users the ability to "tag" (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook's purposes, the photos and videos associated with a user's account will include all photos and videos uploaded by that user that have not been deleted, as well as all photos and videos uploaded by any user that have that user tagged in them.

30. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient's "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well as other information.

Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a Chat feature that allows users to send and receive instant messages through Facebook. These chat communications are stored in the chat history for the account. Facebook also has a Video Calling feature, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

31. If a Facebook user does not want to interact with another user on Facebook, the first user can "block" the second user from seeing his or her account.

32. Facebook has a "like" feature that allows users to give positive feedback or connect to particular pages. Facebook users can "like" Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become "fans" of particular Facebook pages.

33. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

34. Each Facebook account has an activity log, which is a list of the user's posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as "liking" a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user's Facebook page.

35. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs ("blogs"), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

36. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications ("apps") on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user's access or use of that application may appear on the user's profile page.

37. Facebook uses the term "Neoprint" to describe an expanded view of a given user profile. The "Neoprint" for a given user can include the following information from the user's profile: profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.

38. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user's IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

39. Social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may

communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

40. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user's "Neoprint," IP log, stored electronic communications, and other data retained by Facebook, can indicate who has used or controlled the Facebook account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Facebook logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, Facebook builds geo-location into some of its services. Geo-location allows, for example, users

to "tag" their location in posts and Facebook "friends" to locate each other. This geographic and timeline information may tend to either inculpate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner's state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

41. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

Information to be Searched and Things to be Seized

42. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

Conclusion

43. Based on the forgoing, I request that the Court issue the proposed search warrant.

44. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is "a district court of the United States . . . that – has jurisdiction over the offense being investigated." 18 U.S.C. § 2711(3)(A)(i).

45. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

Tony Bell
Special Agent
Homeland Security Investigations

Subscribed to and sworn to before me this 16 day of December 2015.

James E. Gates
United States Magistrate Judge
Eastern District of North Carolina

ATTACHMENT A

Property to be Searched

This warrant applies to information associated with the Facebook user ID **100002508865146** that is stored at premises owned, maintained, controlled, or operated by Facebook Inc., a company headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook Inc. ("Facebook"), including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

(a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.

(b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;

(c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them;

(d) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;

(e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;

(f) All "check ins" and other location information;

(g) All IP logs, including all records of the IP addresses that logged into the account;

(h) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";

(i) All information about the Facebook pages that the account is or was a "fan" of;

(j) All past and present lists of friends created by the account;

(k) All records of Facebook searches performed by the account;

(l) All information about the user's access and use of Facebook Marketplace;

(m) The types of service utilized by the user;

(n) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);

(o) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;

(p) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

II. Information to be searched and/or seized by the government

This warrant authorizes (i) the search of the property identified in Attachment A and Attachment, Section I, for only the following and (ii) authorizes the seizure of the items listed below only to the extent they constitute the following:

(a) evidence of violations of Title 18, United States Code, Sections 1001(a) and 1015(a) ("subject violations"); or

(b) any item constituting contraband due to the subject violations, fruits of the subject violations, or other items possessed whose possession is illegal due to the subject violations; or

(c) any property designed for use, intended for use, or used in committing any subject violations.

Subject to the foregoing, the items authorized to be seized include the following:

All information described above in Section I that constitutes fruits, evidence and instrumentalities of the subject violations involving Hemza Menade LEFSIH, including, for each user ID identified on Attachment A, information pertaining to the following matters:

(a) Terrorism, and organizations involved in terrorism, including The Islamic State of Iraq and Syria (also known as ISIS, ISIL, or the Islamic State);

(b) Evidence indicating how and when the Facebook account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Facebook account owner;

(c) Evidence indicating the Facebook account owner's state of mind as it relates to the subject violations;

(d) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).